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Message Text

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70
ACTION ARA-10

INFO OCT-01 SS-14 ISO-00 PC-04 FBIE-00 L-02 IGA-01 CPR-01

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R 211709Z MAR 74
FM AMEMBASSY TEGUCIGALPA
TO SECSTATE WASHDC 6617
INFO AMEMBASSY MEXICO

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LIMDIS

MEXICO FOR LEGATT

FOR PEACE CORPS AND ARA:CEN

E.O. 11652: N/A
TAGS: AAUD, HO
SUBJECT: CRIMINAL PROSECUTION OF EDDA ZUNIGA FOR THEFT OF PC FUNDS

1. STATUS OF CASE:

ZUNIGA HAS BROUGHT CIVIL SUIT AGAINST PC HONDURAS
ASKING FOR SEVERANCE AND VACATION PAY. CASE IS PENDING
IN COURT, BUT HAS BEEN INACTIVE BECAUSE OF JUDGE'S PRE-
OCCUPATION WITH OTHER CASES ON DOCKET. PC/H ATTORNEY MAX
VELAZQUEZ ASSUMES CIVIL CASE WILL BE COMPLETED IN ABOUT THREE
MONTHS. HE THINKS THERE IS BETTER THAN EVEN CHANCE WE WILL
WIN IT.

2. ADVISABILITY OF OUR PRESSING CRIMINAL CHARGES:

OUR ATTENTION TO CASE WAS REACTIVATED BY RECENT PC/W
RECOMMENDATION THAT EMBASSY AND PC/H PRESS CRIMINAL CHARGES
AGAINST ZUNIGA, AND BY VISIT OF LEGATT REPS WHO HAVE OFFICIALLY
BEGUN TO LOOK INTO MATTER.
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3. BECAUSE OF THIS INTEREST, EMBASSY DECIDED IN PRINCIPLE
THAT IT WOULD BE ADVISABLE TO PROSECUTE CRIMINALLY, AND WE
CONSULTED VELAZQUEZ AS TO HIS VIEWS RE CHANCES OF SUCCESS,
TIMING AND MODALITIES.

4. HE STATED:

A. CRIMINAL CASE COULD BE STARTED AT ANY TIME.

B. OUTCOME OF CIVIL CASE WOULD AFFECT CRIMINAL CASE,
I.E. IF FAVORABLE TO US IT COULD BE USED AS BASIS
FOR CRIMINAL ACTION, BUT IT WOULD WORK AGAINST US
IF UNFAVORABLE.

C. IF EMBASSY OFFICERS SIGNED BILL OF ACCUSATION TO BRING
CRIMINAL CHARGES AGAINST ZUNIGA, THEY WOULD HAVE TO
WAIVE THEIR DIPLOMATIC IMMUNITY.

D. THERE IS GOOD BASIS FOR CRIMINAL CASE, BUT WE WOULD
ENCOUNTER PROBLEMS OF BRIBERY AND PREJUDICE IN FAVOR
OF HONDURAN NATIONAL.

E. IF ZUNIGA WON CRIMINAL CASE, THIS WOULD PROVIDE
BASIS FOR CRIMINAL AS WELL AS CIVIL CHARGES AGAINST
OFFICERS BRINGING SUIT.

5. LEGATT ALSO CONSULTED CAPT. RENE SAGASTUME, CHIEF OF DIN.
SAGASTUME URGED EMBASSY TO PROSECUTE.

6. AFTER CONSIDERING ALL FACTORS NEVERTHELESS, WE HAVE
RELUCTANTLY CONCLUDED THAT IT WOULD NOT BE IN U.S.G. NATIONAL
INTEREST TO PURSUE CRIMINAL CHARGES. A SECONDARY CONSIDERATION
IN THIS IS THAT THE CHARGES WOULD PROBABLY LEAD TO EXTENSIVE
UNFAVORABLE PUBLICITY AGAINST THE EMBASSY, IN VIEW OF ZUNIGA'S
HISTORY OF HEART PROBLEMS. THE PERSUASIVE REASON HOWEVER, IS
THE UNCERTAINTY OF OUTCOME IN PRESENTING CRIMINAL CHARGES, PARTICU-
LARLY GIVEN POSSIBILITY OF ZUNIGA'S BRIBING THE JUDGE. ZUNIGA'S
CONNECTIONS HERE (NOT RPT NOT SO FAR AS WE KNOW TO EX-STRONGMAN
RICARDO ZUNIGA) SEEM TO BE POWERFUL. CERTAIN LEADING LAWYERS
EARLIER WARNED A JUNIOR BARRISTER OFF THE CASE, AND IT WAS
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FOR THIS REASON THAT EMBASSY ENGAGED VELAZQUEZ, A MAJOR FIGURE
WHO CANNOT BE INTIMIDATED. SERIOUS PROBLEMS WOULD ARISE IF
WE LOST CRIMINAL CASE, AND THERE IS NO NEED TO DESCRIBE
DIFFICULTIES WHICH COUNTER CRIMINAL AND CIVIL SUITS WOULD
BRING.

7. EMBASSY THEREFORE RECOMMENDS AGAINST BRINGING CRIMINAL
CHARGES AGAINST ZUNIGA, SINCE TO DO SO WOULD INVOLVE UNACCEPTABLE

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RISKS TO EMBASSY POSITION AND BROADER POLICY IN HONDURAS. THIS REPRESENTS VIEWS OF COUNTRY TEAM, AND IS THE CONCLUSION OF AMBASSADOR SANCHEZ, DCM, US AND HONDURAN PC STAFF AND EMBASSY POLITICAL AND ADMINISTRATIVE OFFICERS, WHO HAVE MADE CLOSE STUDY OF CASE.
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